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Test et of evidence at Court
Martial trial of
Col. J. M. Thompson
1862.



Class 54

Book 111

17-1900

ABSTRACT OF EVIDENCE, &c.

IN THE PROCEEDINGS OF THE COURT MARTIAL

FOR THE

TRIAL OF COL. T. WORTHINGTON,

AT MEMPHIS, AUGUST 14th, 1862.

Gen. Thos. Worthington, of Warren county, Ohio, being in Washington on business at the time of the Bull Run disaster, in consequence thereof, offered a regiment to the Government, which was accepted. The new Col., and his course of proceeding to get into the service, which was irregular, met with little active assistance and some positive opposition from the Executive of Ohio. With the countenance of Adj't. Gen. Buckingham, though at great risk of failure and expense of time and funds, the regiment (46th Ohio) was organized January 30th, 1862, and reached Paducah Feb'y 20th, where Gen. W. T. Sherman was then in command. After some conversation with the General, in which Col. W. urged the immediate occupation and fortification of Florence, Alabama, or some point near the Muscle Shoals, he was not favorably impressed with the *probable course* of Gen. Halleck and Sherman, and in accordance with a conversation with General O. M. Mitchell the previous Nov'r., requested a transfer to his Division in Middle Tennessee. This conversation and consequent request preceded the brigading of the regiment then at Paducah. Compliance with the request was not considered feasible, and originated a personal difference between the parties, which was further increased by Gen. Sherman's bootless and ill-advised expedition to Eastport. (March 14th,) and culminated in the trial of Col. W. before a court martial ordered and appointed by Gen. Sherman at Memphis, August 14th, 1862. This court martial had been sought by Col. W. in hopes of getting exact and reliable information as to who was responsible for the butchery and disgrace at Shiloh. This was done so effectively as to fix the criminality on the proper party, but not so effectively as to develop Gen. Sherman's utter incompetency as an army commander in the field—nor as to prove the numerous errors of fact in, and the injustice of his Division Report dated the 18th of April, 1862, Col. W. not being allowed the advantage of any

evidence after the 5th of April, while Gen. Sherman testified to his own operations up to the 11th.

On offering his resignation Aug. 10th, 1862, Col. T. Worthington, 46th O. V. I., was arrested, in consequence of Gen. Sherman's getting surreptitious possession of an imperfect proof sheet of the following Diary extracts originally intended for Gen. Halleck, (as was proven before the court,) and with other matters, prepared for him, on his expressing his consent and wish for such a communication. The first and second charges were for being drunk "*on duty*," specially and habitually, and can be proven false by the record of the court.

The 3d charge was for conduct unbecoming an officer and a gentleman. The 1st specification of this charge (like all the charges,) was grossly false and malicious, and to its main point no *ground* of evidence was or could be adduced. The 2d specification is as follows:

In this that the said Col. Worthington did print or cause to be printed on a sheet for circulation what purported to be extracts from his Diary of the Tennessee Expedition, containing false and libelous matter, calculated and designed to injure his superior officers, Col. McDowell and Generals Grant and Sherman.

Specification 3d.—In this that the said Col. Thos. Worthington did print or cause to be printed on a sheet for circulation what purported to be extracts from his Diary of the Tennessee Expedition, designed to secure for himself a popular reputation for prophesy and foresight, which said diary was not made contemporaneous with the dates in it, but was fabricated or manufactured after the occasion, to fulfill some base and dishonorable purpose.

On this 3d charge the Court ~~proved~~ Col. W. not guilty of the 1st and 3d specifications, but guilty of the 2d specification, and guilty of the charge of having printed false and libelous matter, &c. With what justice may be gathered from a record of the evidence referred to in the

following abstract, which is all the present time and means of Col. W. enables him to print, not for circulation, but for the information of his own and Gen. Sherman's friends, for the use of the proper authorities, and others incidentally affected or to be affected by a further agitation of the matter.

The Court was called in contravention of the 65th Article of War, and for this and other manifest irregularities Col. W. claims that the proceedings should be set aside. Whatever the result, Col. W. will rest assured that, at the risk of his own sacrifice, he has obtained most valuable information, now of public record, which he had vainly endeavored to obtain through a military commission or Senatorial Committee. In establishing and fixing the guilt where it belongs, Col. W. may consider that he has done more service than when at Shiloh the 46th Ohio (as Gen. Sherman virtually admits,) saved the two hours by which the Army of Tennessee was rescued from imminent destruction.

Satisfied that in this case the means justified the end in view, he has only to regret that he was not and is not in a position, even at the loss of life and reputation, to do something more for the rescue of the Union and Constitution from impending ruin.

Extracts from a Diary of the Tennessee Expedition, 1862, by T. Worthington, Col. 46th Reg. O. V. I.

WEDNESDAY, March 26, 1862.—At Camp Shiloh, three miles from Pittsburg Landing. A company being called for for picket duty to-day, detailed Captain Sharp's Company B. Indications of an attack, if the country people are to be believed. Their pickets are around, and *too near us*, showing a strong effective force.

THURSDAY, March 27, 1862.—This afternoon two of Sharp's pickets were fired on by the rebel horse, about 4½ P. M., not a mile from camp. A disgrace to the army that such should be the case, and an indication that they are covering some forward movement, yet Sherman is improvident as ever, and takes no defensive and scarce any precautionary measures. He snubs me, and has no time to hear even a suggestion.

FRIDAY, March 28, 1862.—Having suggested to McDowell the sending out of a stronger picket, he ordered 30 more men, which were immediately volunteered. If Beauregard does not attack us he and the chivalry are disgraced forever, *if for nothing else*.

SATURDAY, March 29, 1862.—Sherman has refused to sign a requisition for seventy-two axes for my regiment, making it twenty-two; and while a slight abattis might prevent or avert an attack, there are no axes to make it, nor is there a sledge or crowbar in his division, and scarce a set of tools out of my regiment.

MONDAY, March 31, 1862.—Further indications through the pickets that an attack is *imminent*, and though I do not fear the result, a sudden attack, if violently made, *as it will be*, may throw us back for *months*. The men are discouraged at our delay here and the close vicinity of the rebel pickets, which should be driven off. Sherman is inviting an attack, which I hope may occur, but for which we are unprepared.

TUESDAY, April 1, 1862.—Have now over one hundred pounds of ammunition for all available men, and feel easy on that point. Ordered the Captains to send in accounts of clothing, &c., wanted, which the Quartermaster is very careless about getting. Still no axes, which now he cannot get if he would, and which are worth more than guns at present.

THURSDAY, April 3, 1862.—Rode to Pittsburg Landing. The place is crowded and in disorder below, with noise and gambling on the bank above, across the road from the post office. Hunted up and down for clothing and axes, and found that Sherman had forbidden his Quartermaster from receiving anything. That Gen. Smith's Quartermaster will answer no requisitions outside of his immediate command, and the Post Quartermaster, Baxter, (Grant's) will only answer the requisitions of the division Quartermasters. The reason that Sherman's Quartermaster will not receive any stores is that he has no place to put them. There are now at least six boats hired by the day at the Landing, (as I hear,) at not less than two thousand (\$2,000) a day, when two thousand dollars with that many men could in ten days or less put up store houses sufficient for an army of one hundred thousand men. And so the Government will pay on this expedition so far not less than twenty thousand dollars, and perhaps ten times that before the war is over, and lose not less than one to ten million dollars in quartermaster and commissary stores, occasioned by the improvidence and neglect of its Major-Generals here, to say nothing of the disorder and danger growing out of such a state of things.

Thirty-nine years ago this day, April 3, 1823, when a boy of sixteen, I received my appointment as cadet. Its only result, besides, &c., is my present position as one of the lowest Colonels in this war, controlled by incompetent, improvident and negligent Generals, and now in danger of death or disgrace from the want of capacity or integrity amidst the many above and the masses below me.

The indications are (still) of an attack, which I have also indicated to McDowell; we should now have on our right at least six batteries, and two regiments of cavalry to warn the rear. With thick woods before us and pickets scarce a mile out, we have no defenses whatever, and no means of giving an alarm but by the fire of musketry. The troops cover *too much* ground, and cannot support each other, and a violent

attack, which we may expect, may drive them back in detail. God help us with so many sick men in camp, if we are attacked, there being over five thousand unfit for duty.

FRIDAY, April 4, 1862.—One of McDowell's pickets was shot in the hand about noon. A detail of Taylor's cavalry was sent out three or four miles; found four to six hundred rebel cavalry, and fell back, returning about 2 P. M.

Everything is carried on in a very negligent way, and nothing but the same conduct on the other side can save us from disaster. They can concentrate one hundred thousand men from the heart of rebeldom, and, with three or four railroads, have far greater facilities for handling troops than we have.

Have brigade orders to stack arms at daylight till further orders. Keep two companies lying on their arms, and though as quiet as possible, look for an attack every hour.

SATURDAY, April 5, 1862.—Rode out to Sharp's pickets at sunrise, and found two men (rebel pickets) wounded yesterday, who died last night at the Widow Howell's. About 7 o'clock A. M. the rebels drove in Lieut. Crary from the Widow Howell's, getting possession of their dead men. Heard in the evening that the rebels had established three guns (six pounders) opposite Hildebrand's brigade, on our left, across the valley. Hear of five of their regiments arriving to-day.

SUNDAY, April 6, 1862.—A clear cool morning. Rode out to the pickets at sunrise, and soon after the enemy were seen advancing past the Howell house. Directly one of Col. Hicks' regiment, 40th Illinois, was shot through the heart at not less than four hundred yards. Rode to McDowell's quarters, (not up,) and then back to the pickets, and ordered the men who had fallen back to advance to the Howell fence. Returned to camp for preparation, and at about 7 A. M. the attack commenced on Hildebrand's and Buckland's brigades. This might have been expected, but we were really not ready for a fight. No hospitals at Pittsburg, nor even means to carry off the wounded.

APRIL 23, 1862.

The undersigned hereby certify that most of the facts above set forth are correct from their own knowledge, and that Col. Worthington's remarks and anticipations are in correspondence with his general conversation for ten days before the battle of the 6th of April, 1862.

WILLIAM SMITH, Maj. 46th Reg. O.V.I.	
J. W. HEATH, Capt. Co. A 46th Reg. O.V.I.	
A. G. SHARP, " B, " "	
JNO. WISEMAN, " C, " "	
ED. N. UPTON, Lt. c'dg D, " "	
WM. PINNEY, Capt. Co. E, " "	
P. A. CROW, " G, " "	
M. C. LILLY, " H, " "	
C. C. LYBLAND, " I, " "	
I. N. ALEXANDER, " K, " "	

Instances of false or evasive testimony by Gen. W. T. Sherman, proven to be so by his own evidence, or by the record of the court martial held at Memphis, August 14th, 1862, for the trial of Col. T. Worthington, &c.

1. That he reduced a requisition of 72 axes to 22, because he knew what axes there were and were expected. Thus inducing the belief that there were axes on hand for his division.—See pp. 45 and 53, evidence of Qr. M. and Qr. M. Sergt. 46th Ohio.

2. That Col. Worthington was all the time predicting every species of calamity, and hoping it might come about.—P. 51, Col. McDowell.

3. For weeks Col. Worthington had been predicting the worst, and hoping it might happen.—P. 51 Col. McDowell, and his (Sherman's) charge that the predictions were made *after the occasion*, and were false and libelous.

4. That the whole diary entry of April 3d, is false and libelous.—See p. 7. His own admission that there was confusion at the landing, and that a *place* had been left for Buell's forces, &c. &c.

5. That he had not forbidden his Div. Qr. M. to receive stores, (other than forage).—See pp. 13 and 51, Qr. M. and Qr. Mr. Sergt.

6. That Col. W. had constantly prognosticated evil to Col. McDowell.—See p. 51, McDowell.

7. That Col. Worthington went to the landing, while Col. Buckland, &c., went to the front to look for enemies. Thus charging that Col. W. avoided the front, when he was not only not ordered forward, but was forbidden to go beyond the line of pickets.

8. That the army did not occupy too much ground.—See Gen. Sherman's testimony that a place was left for Buell, who was, however, to go on up to Hamburg, 6 miles above.

9. That the infantry pickets were more than a mile in front of the camp.—See pp. 17, 46 and 47, Sherman, Sergt. Gorman, Capt Sharpe.

10. That Col. W. was alarmed for his personal safety.—P. 17 Sherman's evidence.

11. That he (Sherman) did not know the destination, and had to guess the purpose of the enemy in his front on Friday the 4th of April.—See his evidence that he had reason to expect an attack on Thursday, p. 8.

12. That Col. W. kept himself in a *safe corner*, looking for an attack every hour, while Buckland's Brigade was in the discharge of its proper duty; thus intimating cowardice on the part of Col. W.—P. 17, Sherman's evidence.

13. That Col. W. could not have heard of three Rebel guns on our left (front).—See pp. 42, 47 and 48, Col. Buckland, Capt. Sharpe and Lt. Crary.

14. That it was impossible for Col. W. to have heard of the three guns on our left (front),

across the valley.—See pp. 42, 47 and 48, Buckland, Sharpe and Crary.

15. That the position of the supposed rebel artillery was within the line of our pickets on Saturday April 5th.—See pp. 42, 47 and 48, Buckland, Sharp and Crary.

16. That he had not forbidden his Qr. Master to receive any stores turned over or keep any stores, (forage excepted).—See pp. 45 and 53, Col. W., Qr. M. and Qr. M. Sergt.

17. That the statement in the diary of April 3d, that the pickets were not more than a mile out, was false.—See p. 17 Sherman's testimony, and p. 46 Gorman, and Sharpe 47, as to distance of Moore's house from camp.

18. That the diary entry of April 3d was false in stating that the troops covered too much ground.—See his admission that a place was left for Buell's forces, which *were to be sent to Hamburg*, pp. 8 and 9.

19. That he heard of no artillery near the Howell house on Saturday April 5th.—See pp. 44, 47, and 42, Capt. Sharpe and Lt. Crary, and Col. Buckland.

20. That the pickets were not driven out of the Howell house Saturday morning.—Pp. 44 and 47, Sharpe and Crary.

21. That the ground at the Howell house was picketed by Col. Buckland.—43 and 47, Sharpe and Crary.

22. That there were pickets in front of the Howell house on Saturday.—Pp. 44 and 45, Capt. Sharpe.

23. That the Rebels had no battery near the Howell house on Saturday.—44 and 47, Sharpe and Crary.

24. That no pickets were driven in on Saturday, April 5th.—Pp. 42, 45, 46 and 48, Buckland, Sharp, Hildebrand and Crary.

25. That he did not tell any one he would have the artillery harnessed up, unless for inspection.—P. 44, Capt. Sharpe.

Items of evidence by Gen. Sherman, before the court martial at Memphis, which are evasive, equivocal, or false, he knowing them to be so, but not proven by the record, though entirely capable of proof. Falsehoods are numbered, evasions are lettered.

1. That fortifications would have been an indication of weakness, and would have invited an attack.

The meaning of which is, that had we been fortified the attack would have been more certain than otherwise. That Gen. Sherman could have believed this possible is impossible, if he is a sane man. The three miles of front between his impregnable creeks could at any time have been fortified in less than three hours, by a parapet 7 feet above the bottom of an inside ditch, with a strong abattis 60 yards in front.

Such an arrangement, with artillery equal to that of the Rebels, would have enabled 15,000 men to repel 60,000 for any length of time, with a very trifling loss on our side. This is proven by the evidence of all history in all past time, and by our late repulse at Fredericksburgh and Vicksburgh, where Gen. Sherman has perhaps been testing his novel theory.

(a) With regard to the entry as to sledges and crowbars, Gen. Sherman after swearing in his usual reckless way that Col. W. had no knowledge on the subject, when called for the defence equivocates by saying there were blacksmith's sledges with the batteries, and they had crowbars to mend bridges (R. R. bridges,) and break up railroads. The bars and sledges were of course on the roads.

2. He swears that Col. W. had been predicting calamity (in conversation with him,) of which he can produce no evidence. Col. W. had no social relations with Gen. Sherman after the 19th of March, scarce spoke to him, and that not once a month, except on purely military matters, and predicted calamity in the hearing of no man in the army. Col. W. had worked more and was better prepared than any officer in the division or army, and more ready to avert disaster, which he did.

McDowell's evidence will settle this. Page 51 of the copy of proceedings sent Col. W. from Washington.

3. He claims that no stronger position was ever held by any army. Notwithstanding the result which showed that if strong it was neglected, which was so.

4. He repeats three times that Col. W. had prognosticated evil to him, &c. Of this he gives, and can give no evidence, nor that he did so to any man in the army of Tennessee.

5. He swears that a place had been left for Buell, who had been rightfully expected *two weeks*, but was to be sent to *Hamburg*, (4 miles above.) This double falsehood develops itself. There was a gap of three-fourths of a mile on Sherman's left centre, through which the rebels swept to the attack of three divisions in flank and rear. Was this room enough for Buell's army? If Buell went to Hamburg, could he fill the gap?

6. He repeats again, that you might search the world over and not find a more advantageous position.

This is stupidity or insanity again. The camp was commanded by higher ground at 400 to 600 yards in front, and all its natural advantages were unimproved, so that it did not fulfil a single one of the six conditions* enumerated

*NOTE.—From Chapter 5th of "Hallock's Elements of Military Art and Science," page 115: "The first condition to be satisfied by a tactical position is, that the debouches (outlets) shall be more favorable for falling on the enemy when he has approached to the desired point than those which the enemy can

in Halleck's elements, &c., for a good tactical position; though three hours' labor of 5,000 men would have fulfilled all but one if not all of them.

The boasted *creeks* protecting the flanks were mere wagon ruts in the way of any man fit to command a regiment. The uneven ground, &c., was more favorable to the Rebels than to us, for they knew it better.

7. He says we had 43,000 men, (in line, of course.) Against this, he states that one supply boat answered for 30,000 men, or more than four divisions.

We had five divisions engaged, which in his proportion would have had less than 35,000 men, and the field reports will not show that number of *all arms* for duty on the morning of the 6th.

8. He swears that 10,000 men ran away. This is in accordance with his general charge of cowardice against the rank and file, who it can be proven but followed, in general, more illustrious examples. He was the first officer that day to turn from the rebel fire in presence of the 53d Ohio, and one of his Brigade commanders was not in sight of his corps when it attacked the Rebel left, but was off to the landing. Not more than 6,000 to 7,000 well men fell back to the river before 3 P. M., and if he had made any use of his cavalry this might have been prevented. How could he expect his infantry to stand against Rebel artillery, when before noon he had not a single gun out of 18 to answer it, and this mostly for want of ammunition, with a ample supply less than two miles off.

9. He swears that the troops held their ground! How long, and what troops? Not the 10,000, which, as he says, ran away, nor the troops driven back to the landing. Why such gratuitous falsehood?

10. That there were 60,000 rebel troops at the attack on the 6th. Beauregard and Stephenson admit not over 42,000, and Senator Sherman says that "Gen. Sherman was attacked by ten regiments supported by artillery."

11. He swears that on Friday the 4th, not a soldier, not an officer, not even Col. W. looked for an attack.

Gen. Sherman testified that there was reason to expect an attack on Thursday, when he knew of no artillery in front. Why was there less reason to expect an attack on Friday, when he knew of artillery in front?

have for attacking our own line of battle. Second, The artillery should have its full effect on all the avenues of approach. Third, We should have good ground for maneuvering our own troops unseen, if possible, by the enemy. Fourth, We should have a full view of the enemy's maneuvers as he advances to the attack. Fifth, We should have the flanks of our line well protected by natural or artificial obstacles. Sixth, We should have some means of effecting a retreat without exposing our army to destruction."

We had evidence that the Rebels were to leave Corinth for Shiloh on the 1st, as they did on the 2d of April, and with an energetic commander they could, and should have attacked on the 4th of April.

12. Gen. Sherman says, (page 16 of the record): "I was perfectly willing the enemy should attack us, and think Beauregard made a *fatal mistake* when he did it—but *deny* that the enemy had a battery near the Howell house that afternoon."

Here is presumptive evidence that he was *inviting* an attack, while he denies the truth of a most obvious result of the invitation, i. e. the advance of the Rebel artillery from its position of Friday, not finding even infantry pickets to watch it on Saturday. This *fatal mistake* of Beauregard's was the beginning of our disasters since. Our disgrace at Shiloh had a moral effect in the South equal to 200,000 men; followed by our lethargy on the 7th and 8th in failing to pursue the Rebels, and by our snail pace to Corinth, that moral effect was made operative by an immense reinforcement, sufficient to defeat McClellan at Richmond.

13. His repeated denial of artillery in front Saturday afternoon, is the "*delenda est Carthago*" of his evidence, and is weakly intended to hide the criminal neglect of his own artillery, which on Saturday night, all unacquainted with the ground, was posted in the rear of his center instead of upon his flanks or front. Even two guns on his left would have prevented *his own* and Appler's precipitate retreat, and had all his artillery been effectually used, as it might have been, the first attack would easily have been repulsed. Ask Col. Hildebrand.

14. Gen. Sherman swears that the diary entry of April 3d, that we should have six batteries on the right, *is false*. According to "*Halleck's Elements of the Science and Art of War*," the proportion of artillery should be one-seventh of the whole. Gen. Sherman had about 7,500 men of all arms—one-seventh of this is near 1,100 men, which would have manned seven batteries, with 50 men over. A prudent general would have had over half the artillery of the army to the front, and it should have opened at 8 to 1200 yards, which it did not—and been in advance, where it was not.

15. He says that Col. W.'s entry as to the store boats was calculated to give a false impression of extravagance. How?

16. If one boat furnished near 30,000 men, why were there six boats for 43,000, and why would not a warehouse of equal dimensions, (costing nothing,) have held what the boats did?

(b) He swears that he had no cavalry subject to his command, on Saturday April 5th.

This is a gross evasion. He might have had all our cavalry in front, but this might have de-

layed or prevented the attack, and *his promotion*.

With an unknown and as it proved a superior force in front, *was that* a day to withdraw cavalry detachments and shift artillery from one division to another, from known to unknown ground? Ask Frederick, or Napoleon, or Wellington, or Scott.

17. He swears that an order was issued on the 5th, that the 4th Illinois cavalry and a regiment of McDowell's brigade should march on a scout at daylight Monday morning.

He produced no evidence of such an order, and the troops did not start. Was this order countermanded because he had *secret information* that we would be attacked *in force* at, as he says, 8 A. M. of the 6th? Though the attack was at 7 A. M.

The evidence before the Court, summed up, shows—

That no objection is made by Gen. Sherman to the entries of March 26th and 28th, and April 1st, 1862.

March 27th. That he defends the absence of defenses, thus admitting there were none.

March 29th. He acknowledges the reduction of the requisition for axes, and admits that he does not know if they were delivered. The Qr. M. Sergt. and his Sergt. Parsons testify that they were not.

March 29th. Gen. Sherman does not deny inviting an attack, and says he was perfectly willing an attack should be made. Beyond this, if further proof were wanting, the following queries arise:

1st. Did he invite an attack by having no detachments over 6 miles out, they light ones, and only in daylight?

2d. By having no properly disposed artillery, even after the attack had commenced on the 6th.

3d. By sending out no cavalry detachments on the 5th, or infantry either.

4th. By paying no attention to the driving in of his pickets on the morning of the 5th.

5th. By paying no attention to the acknowledged presence of an army in his front on the 4th of April, 1862.

6th. By still leaving his left center regiment (Appler's 53d Ohio,) severed too far from its proper brigade, with a morass between them.

7th. By leaving his left Brigade near two miles from the Division center.

8th. By leaving a gap of 1000 yards between himself and Prentiss on his left, in front of which no pickets were stationed, and through which the Rebels swept unopposed to the attack of the flank and rear of his own, McClernand's and Prentiss' Divisions.

April 3d. He admits confusion at the landing, and admits that a gap had been left for

Buell, which it was not intended Buell should fill—thus admitting the truth of the diary entry that the troops covered too much ground. His own and other evidence shows that the pickets of the 1st Brigade at the Howell house, &c., were not over a mile out. The troops cannot be said to have supported each other, and there is no evidence that they did by flank or front movements till late in the day.

That his Div. Qr. M. kept no stores except forage, and would receive none, is proven by the Qr. M. and his Sergt. Parsons. He does not deny the number and expense of the store boats. He states in his evidence that we had reason to expect an attack on the 3d, which McDowell states Col. W. had indicated to him two or three days before the 3d.

If Halleck is right, we should have had over seven batteries with Sherman's Division. (Col. W. imputes no blame to Sherman in this, though he might with propriety have done so.)

The above statement, to say nothing of the result, prove the existence of that incompetency, improvidence and neglect which have characterized the conduct of at least three of the Generals concerned, in and since the battle of Shiloh.

April 4th. On this day Gen. Sherman was first assured of Rebel artillery, and, as he says, of the *elements* of an army in his front, the "*destination and purpose* of which he did not know" !!! Was it not negligence to delay an instant in at least taking measures to discover this destination and purpose, and to drive back or disperse these *elements* before the army was perfected.

To delay the concentration of the 3d Brigade (Hildebrand's,) of his Division, and of the 2d Divisions.

To leave the artillery in the rear of the center; to make no defences on the flanks; to cut no timber in the front.

Was it not negligence to attempt the carrying out of no one of Halleck's tactical conditions?—to prepare no hospitals; to indicate no rallying points for different corps, no reserves; to prepare no ammunition magazines; to neglect all repair of all roads and bridges to the landing, and between the different divisions, and to neglect many other details requiring the attention of any general having an enemy within a week, or a day, to say nothing of an hour's march; and, beyond this, was it not neglect to make no effort to find out the actual strength and position of the enemy?

APRIL 5.—The evidence of the proper officers proves that the pickets of three brigades were in whole or in part driven in on this day at 7 A. M., and afterwards, and the same was reported to the proper authority.

2. That there was artillery seen by the troops, and heard of by Col. W., in at least two positions in front, and the same was reported to Gen. Sherman that afternoon; and that there was not only five, but perhaps one hundred regiments within cannon range of the camp on

*CIRCULAR.

Our situation from the rain and roads has become difficult, and it becomes the duty of every efficient man to anticipate our danger and to labor. Every ounce of food and forage must be regarded as precious as diamonds.*

Roads will be impassable, and our bridges swept away. * * *

Men must at once be limited in bread and meat. All live stock in our lines must be driven in and used, and all grass, wheat, and everything fit for forage gathered. Horses will be allowed to eat on bushes, such as elm, cottonwood and sassafras, gathered for this use at once. * * *

We cannot be assailed by artillery, because the enemy cannot haul it up, but we may be assailed by hordes of infantry night and day. * * *

Our right is the point of danger, and will receive the personal attention of the General, but he can do nothing unless his orders are strictly observed, and these are that all articles of provision and forage be put under guard and dealt out at half rations. * *

By order of Brig. Gen. W. T. Sherman.

J. H. HAMMOND, A. A. Gen.

CAMP No. 3, May 3, 1862.

*We had then on hand ten days' stores.

Orders No. 21.]

HEADQUARTERS FIFTH DIVISION,
(GRANT'S CORPS D'ARMEE, April 25, 1862.)

The importance of brigade drill is such that the Commanding General will permit no officer or soldier to be absent if he can possibly be on the ground, either in the ranks, armed or unarmed, or as a witness. * * *

If the men are unable to bear arms, they will form on the left of the company unarmed. If not in hospital, but suffering from diarrhea, they can be hauled to the drill ground by the Colonel's order, and there they must be silent and observe the movements of the division. * *

By order of Brig. Gen. W. T. Sherman.

J. H. HAMMOND, A. A. Gen.

Official: W. H. HARRIS, A. A. A. G.

*The omissions are not material.

Errors and Concealments of Facts in Gen. W. T. Sherman's Division Re- port of April 18, 1862.

1st. Gen. Sherman says nothing about the driving in of his pickets on Saturday morning, or of his having out no cavalry scouts or detachments of any kind that day:

2d. He says nothing of the artillery reported to Gen. Grant on Friday nor of its presence within a mile of the camp on Saturday.

3d. There was no advance guard, properly speaking, out on Sunday morning, and very few pickets, under the circumstances.

4th. Taylor's and Waterhouse's batteries, until half an hour after the attack, were posted in the rear of the division center. But two guns of Taylor's (or Barrett's) battery came to Hildebrand's camp, and they were deficient in gunners, which Hildebrand supplied.

5th. The fact is concealed that two of the regiments from McClernand lay behind the 3d brigade an hour and a half, and retired without firing a shot. The third regiment to the left of

Saturday night. If the truth, then, may be brought in evidence, where is the falsehood or libel in the diary extracts, written, as the court finds, not after, but before the event, when falsehood was impossible, and libel only to be proven by the event? The result of the battle sustained the diary in all points in which it could be so sustained, and the evidence before the court does the same. And yet the court, on Gen. Sherman's testimony, finds Col. W. guilty of conduct unbecoming an officer and a gentleman, for printing false and libelous matter contained in the diary extracts for circulation—no evidence whatever being offered that there was any copy in existence but the imperfect proof sheet before the court—as indeed there was not. The heading of "private and confidential" was intended to caution the printer, and would not have remained but for Gen. Sherman's charge. The evidence of Col. Kilby Smith and the letter to Gen. Halleck,* show that the paper was intended for him, with his own consent and suggestion; and such a publication is not forbidden under the circumstances by the army regulations or military propriety, it having been withheld till the campaign was over.

*Of May 11, 1862.

APPENDIX.

The following letter of Col W. to Gen. Halleck, with extracts from two of Gen. Sherman's orders, will show to what criminal follies or caprices he is addicted:

CAMP NEAR MONTEREY, May 7, 1862.

MAJOR-GENERAL HALLECK:

SIR:—I consider it my duty to call your attention to the enclosed "Circular." However creditable to the zeal of Gen. Sherman, it certainly can do little credit to the energy of the service, nor is it encouraging to the troops, on whom it is calculated to have a depressing effect. If we are to be put upon half rations, and chance forage at thirteen miles from our base of operations by a few hours' rain, how can the army hope, within any reasonable time, to effect the object of its organization, and put an end to the war? One-third of the men in this army would bridge the road to the river in a day, with proper tools, which we should have. This done, there would be no trouble about getting on material, while the moral effect would be equal to twenty thousand men.

So far as the forage for the horses, &c., is concerned, there is not an elm or cottonwood to a square mile, and they will not eat sassafras. I do not in the least apprehend an attack, but see no reason why the enemy could not bring up artillery on account of the roads, having done so a month ago.

I also inclose Order No. 21, exhibiting far more zeal than discretion. Men with the usual camp disease above all things require quiet, and, whatever their disposition, are not in a condition to study brigade drill. The effect of such orders is obviously to produce discontent and demoralization, of which there is an ample amount existing.

If an effort were made to supply the troops with fresh bread and better hospitals, the effect would be far more obvious in their improved organization than any benefit which can result from such orders as the above. Very respectfully,

T. WORTHINGTON, Col. 46th Reg. O. V. I.

Watterhouse's battery gave it no support, and before the rebels were in range fired one volley and ran away.

6th. Gen. Sherman did not see Col. Appler after the occasion on which his orderly was killed, nor did Appler's regiment stand over ten or fifteen minutes, if that long, after Sherman rode away on the death of his orderly.

7th. The battle began by an attack of infantry, and no Rebel artillery was heard till ten or fifteen minutes afterwards.

8th. Our infantry and artillery did not open along the whole line. Behr's battery was idle, as well as the whole of the 1st Brigade, with the exception of a few volleys of the 40th Illinois, and one gun of the battery which threw half a dozen shells at a log house over the valley.

9th. Appler's Regiment broke before 7½, instead of 9 A. M., as Sherman states in his report.

10th. Both Brigades of Sherman's center were driven back at or before 9 A. M., and the 1st followed immediately after—though not attacked, as might be supposed from the tenor of the report.

11. The statement as to Behr's battery does great injustice to the corps composing it. Sherman ordered them from their position 300 to 400 yards from the cross roads into the line of advancing Rebels, and the woods were such at the cross roads that to come properly into battery was impossible.

12th. It is not true that Buckland's Brigade maintained an organization after the center was driven back.

13th. The attack was not made upon McClelland's front, but upon his left flank and rear.

14th. Gen. Sherman did not move McDowell's Brigade against the Rebel left flank. The 46th O. first attacked through necessity. The 6th Iowa followed, and Sherman ordered the 40th Illinois forward, after the Col. commanding the brigade had run away.

15th. The first brigade came up to where the battle was raging, across the center of McClelland's camp about noon, and a retreat of the whole line was ordered at or a little before 2 P. M., and the position was not held four hours after noon of the 6th.

16th. Gen. Sherman suppresses the fact that all his artillery was useless by noon, mainly for want of ammunition, with plenty less than two miles off.

17th. Col. McDowell was not severely injured by a fall from his horse, and had started uninjured to the river before his brigade had fairly attacked the Rebel left. When the 46th wheeled out of line to attack a superior rebel force on its right, Col. McDowell was not to be seen by any

part of his brigade, some of his staff, perhaps excepted.

18th. Col. McDowell's brigade was not attacked, as the report would imply; nor did Col. McDowell conduct any attack on the Rebel force any where that day. Gen. Sherman was well aware of his cowardice when he wrote his report on the 13th, yet still continued him in the command of the 1st Brigade.

19th. Gen. Sherman makes less mention of Col. Worthington than any Col. of the Division who did not run away, though knowing that it was the rapid wheel to the right and murderous fire of the 46th which prevented the entire rout of the 1st Brigade, which Gen. Sherman has repeatedly stated saved the two hours which rescued the army from utter ruin. There are not less than thirty or forty other errors of fact in this truthless report.

Gen. Sherman was not surprised, but many thousands of the army were, by his assurance to the 3d Brigade after dark on Saturday, that they might sleep as secure in their tents that night as if at home at Ohio. Sherman's main effort was to bring on the attack before Buell's arrival.

Extract from Col. W.'s unfinished defense before the Court at Memphis.

"I did in extreme cases report to General Sherman, but all social communion between us had ceased after the 19th of March, 1862, when I had reluctantly concluded that he was utterly unfit for his position, and he knowing that I knew it, I had nothing to expect but that he would disgrace myself and regiment, if he could, as has since occurred. From what I heard from him within a week after my arrival at Paducah, I concluded that he could not safely be trusted with any *"separate and important command."* Every day has more and more, and more confirmed this conviction; and if anything more was wanting, the manner in which this trial has been brought on, * * * and the false and contradictory evidence given here by him, cumulate the conclusion that he is utterly unfit and incompetent for any responsible command.

Should he wish to change sides, he could bring ample arguments to show that his action has been unfavorable to the Union. * * * I knew perfectly well that he knew of the rebel artillery in our front on the 5th of April; and how could he ignore the fact when he had heard those guns on Friday, which should have been hunted up on Saturday, as they were not. Saturday was by the rebels made a day of rest within cannon shot of our camp; and if there was ever an invitation to an enemy to make an attack, when, how and where he chose, that invitation was given to the rebel army on the 5th and 6th of April, 1862, by Maj. Gen. W. T. Sherman.

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